THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 175 OF 2006

DATE: 20-4-2006

Between:

Mrs. Shahnaz Fatima …. Petitioner

And

1. The Regional Joint Director

of School Education, Hyderabad & 4 others .. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 175 OF 2006

ORDER:

Heard Dr.Lakshmi Narasimha, learned counsel for the petitioner and Sri Abhinand Kumar Shavili, learned standing counsel for the 4th respondent and at their request, the writ petition is disposed of at the stage of admission.

The short question which arises for consideration in this writ petition is as to whether the 1st respondent was justified in disposing of the appeal preferred by the 5th respondent without giving the petitioner herein an opportunity of being heard.

The 5th respondent herein filed W.P.4246 of 1993 wherein the petitioner herein was impleaded as the 4th respondent, pursuant to an order of this court in W.P.M.P.8062 of 1993 dated 23.9.1993. By order 12.11.1993, the writ petition was disposed of directing the 1st respondent herein to dispose of the appeal filed by the petitioner against the impugned order dated 26.2.1993, within six weeks from the date of receipt of the order. This Court directed that the interim stay granted by this Court would continue for a period of four weeks to enable the petitioner to obtain suitable orders from the appellate authority, pending consideration of the appeal by the appellate authority.

It is represented by Sri Abhinand Kumar Shavili, learned counsel for the fifth respondent, that during the pendency of the appeal, the stay was continued in favour of the 5th respondent.

While the time fixed by this court to dispose of the appeal was six weeks, the 1st respondent took more than 12 years to pass final orders in the appeal. The casual manner in which appeals are taken up after an inordinate length of time and are disposed of, is certainly a cause for serious concern. Curiously, though the petitioner herein was arrayed as the 4th respondent in the earlier writ petition, the appeal was disposed of in favour of the 5th respondent and against the petitioner herein without giving the petitioner herein an opportunity of being heard. The impugned order dated 14.12.2005 is in violation of principles of natural justice and as such is required to be set aside.

The 1st respondent is directed to consider the appeal preferred by the 5th respondent, after giving an opportunity of being heard to all the parties concerned, (including the petitioner and the 4th respondent), and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of his order. In view of the fact that the appeal preferred by the 5th respondent was disposed of after 12 years, despite a

specific direction by this Court to dispose it off within six weeks, this Court is left with little option but to observe that any further delay in disposing of the appeal beyond the two months prescribed by this court would be viewed seriously.

The writ petition is disposed of accordingly. No order as to costs.

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20-4-2006

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